

REMARKS

The Examiner's Action mailed February 17, 1995 has been given careful consideration by the applicant. Reconsideration of the reissue application is hereby respectfully requested. Claims 1-14 and 16 remain in the application. Claim 15 has been cancelled.

The courtesy of the Examiner extended during the telephone interview of June 1, 1995 is acknowledged and appreciated by the applicant.

The Examiner's Action

Claims 1-16 were rejected as being based upon a defective reissue declaration under 35 U.S.C. §251.

The specification was objected to as failing to provide an adequate written description of the invention.

Claims 14 and 15 were rejected under 35 U.S.C. §112, first paragraph.

The Reissue Declaration

The Examiner indicated that the Reissue Application Declaration and Power of Attorney is defective inasmuch as the applicant failed to indicate the error that led to the filing of the reissue application. The Examiner rejected claims 1-16 based upon that defective declaration and specifically requested information as to that which may have occurred in connection with the German priority case.

In response, the reissue declaration has been clarified to state that while the claims in the original case were drafted with a view toward unity of invention requirements (as typically all claims are), no formal action or position was taken by the German Patent Office or the applicant in this regard.

Significantly, upon further investigation, the applicants have uncovered that a reason that the errors occurred was that certain language was inadvertently omitted from the claims in the present case after they were translated from the German language and placed in conformance with U.S. patent practice. Specifically, as set forth in the amended reissue declaration and the Declaration of Daniel G. Blackhurst, claim 1 in the original German language version of the application recited that an inner frame was fastened to an outer housing through at least one clamping connection. This language was inadvertently omitted from application claim 1. Thus, claim 14 now recites first and second clip connections which correspond to the "at least one clamping connection".

Moreover, the amended reissue declaration further avers that U.S. counsel agreed to cancel application claim 1 in order to gain allowance of the other claims in the case. However, U.S. counsel did not fully appreciate that the subject matter of application claim 1 was sought to be patented by the applicant. Accordingly, claim 16 has been added to the present reissue application.

In addition, the U.S. version of the case only recites,

in patent claim 1 for example, that the check valve element is "clamped" between the outer housing and the inner frame. The original German version of the application, however, recited a "clamping means" or "Klemm-Mittel". This particular error is not presented as a reason for the filing of the reissue claims; however, it demonstrates the difficulties encountered when placing German language claims into conformance with U.S. patent practice.

The reissue declaration is now submitted to be in conformance with U.S. Patent and Trademark Office rules and procedures. Accordingly, claims 1-14 and 16 are submitted to be in condition for allowance.

35 U.S.C. §112, 1st Paragraph Objection to the
Specification and Rejection of Claims 14 and 15

The Examiner objected to the specification and rejected claims 14 and 15 (now cancelled) under 35 U.S.C. §112, first paragraph because, in his view, the specification fails to provide an adequate written description of the invention of claims 14 and 15. Specifically, the Examiner has indicated that there is 1) no written description of the second resilient clip connection, 2) no written description of the second clip connection comprising a springy tongue integral with the surrounding wall, or 3) no written description of the first springy tongue being disposed in corresponding relation to the first side and a second springy tongue being disposed in corresponding relation to the second side.

As to points 1) and 2), the applicant submits that sufficient support exists in the specification for the second resilient clip connection comprising a springy tongue integral with the surrounding wall. Specifically, the specification identifies at least one clip connection 6 carried and arranged on the outer housing 3. Column 3, lines 50-51. Figure 1 shows two (2) clip connections 6 which are arranged on the outer housing 3. The first clip connection 6 is shown in the top portion of Figure 1 and comprises a springy tongue 22 spaced from a surrounding wall 21. The second clip connection 6 is shown in the bottom portion of Figure 1 and comprises a springy tongue 22 integral with the surrounding wall 21.

The specification describes that "[t]he clip connections 6 with the springy tongues 22 of the stable outer housing spring back over the corresponding diagonal until they lie against the corresponding wall of the vehicle support 2. Of course, the tongues 22 snap into position and retain this location." Column 5, lines 2-7. Further support in the specification for a description of at least one clip connection 6 is at column 4, lines 34-37; and, column 1, lines 63-67.

Accordingly, clear support exists for a second resilient clip connection 6 comprising a springy tongue 22 integral with the surrounding wall 21. Therefore, the objection to the specification is submitted to be remedied and claim 14 is submitted to be in condition for allowance.

As to point 3) above, claim 15 has been cancelled.

Therefore, the rejection is moot.

CONCLUSION

In view of the foregoing, all objections and rejections under 35 U.S.C. §112 and 35 U.S.C. 251 are submitted to be remedied. Accordingly, all remaining claims are in condition for allowance. Early notification of such allowance is hereby respectfully requested.

Respectfully submitted,

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